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REMARKS

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1, 3-7, 9, and 10 are pending in the application. Claims 1, 3-7, 9, and 10 have been rejected. Claims 11 and 12 have been newly added. Claims presently active are claims 1, 3-7, 9, and 10-12. Favorable reconsideration of the application in view of the following remarks is respectfully requested

Claims 1, 3-7, and 9 stand rejected under 35 U.S.C. 112, first paragraph. The Examiner contends that the phrase "wherein essentially no monomer is present in the aqueous mixture" is a negative limitation which violates the description requirement, since there is no support in the present specification for such exclusion.

This rejection is traversed. Support for this phrase can be found throughout the original specification taken as a whole, including page 6, lines 1 to 21.

The Examiner concludes that Applicants wish to add initiator to a mixture of monomer and pigment. Clearly, however, the Examiner's position is contrary to Applicants' invention as a whole, Applicants' description, and Applicants' enablement.

The Examiner's incorrect interpretation of the description is contrary to the explicit intent of the invention:

> The present invention uses a special sequence of adding the initiator – that is, a portion is added to the colorant mixture prior to adding the monomer mixture. This sequence allows the radicals formed from the initiator during heating to be absorbed to the colorant surface; hence, when the monomer mixture is added later, the monomers will polymerize on the colorant surface rather than form separated polymer particles. [page 6, lines 9-14]

In view of the above, the Examiner's contention that the application discloses that the initiator has no monomer, not the aqueous pigment mixture, is without merit.

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It is well known that a new claim limitation does not require verbatim support, but assumes a reasonable, skilled artisan is reading the specification. The Examiner's apparent position that verbatim support for any claim limitation is required and that words can be taken out of context to support any interpretation that the Examiner imagines, is not consistent with the spirit of the law. If the Examiner has alternative language to suggest, which the Examiner believes is preferable, then the Examiner is invited to suggest such language. However, the Examiner's apparent antagonism to any language that better defines Applicants' invention suggests further efforts in that regard by Applicants would be futile, and that appeal may now be the more effective and productive path in order for Applicants to obtain a just reward for their patentable contribution to the progress of the arts and sciences.

In view of the above, it is respectfully submitted that the Examiner's interpretation of Applicants' invention is incorrect and counterproductive. The present claims are believed to be in conformance with the requirements of the rules.

Claims 1, 3-7, and 9-10 stand rejected under 35 U.S.C. 112, second paragraph.

The Examiner alleges that "essentially" is not clear. However, the term is used to prevent a potential infringer from adding, for example, a single monomer to the claimed mixture to design around the claims. If the Examiner has a suggestion for achieving the same purpose with alternative language, then Applicants invite the Examiner to makes such a suggestion. On the other hand, if the Examiner is suggesting that reasonably effective claim coverage is not permitted, then Applicants believe that less delay in prosecution would be achievable by appealing the Examiner's position for review.

Applicants respectfully submit, therefore, that the present claims are deemed to now conform to the requirements of the rules.

Relying on 35 U.S.C. 102(b), the Examiner rejected claim 10 as being anticipated by Lin.

Applicants respectfully submit that a rejection for lack of novelty under Section 102(b) requires that the invention must be identically disclosed or described in the reference. Applicants respectfully submit that important and material

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limitations of their invention as claimed are not disclosed in the cited reference. Applicants respectfully submit that Lin does not disclose, teach, or suggest excluding monomer from the pigment mixture prior to addition of the initiation. The Examiner contends that the language "consisting essentially of" is construed as equivalent to "comprising" absent a clear indication of what the basic and novel characteristics are. Applicants contend, however, that the basic and novel characteristics clearly relate to the absence of monomer from the pigment mixture prior to addition of initiator, resulting in the basic and novel characteristic of stability. See summary of the invention: "The composite colorant particles of the invention have better stability than those prepared by the prior art and an ink formulated with such particles has good resistance to abrasion." See also field of invention: The composite colorant particles are very stable and are useful for forming ink jet inks for ink jet printing." See results on page 22-23 of the present specification.

Thus, the inventors position is that the basic and novel characteristics of the invention is adversely and significantly affected and would be material changed by monomer being present in the pigment mixture prior to addition of initiator. As stated in the application, the specified sequential addition of initiator to the pigment mixture essentially prior to adding monomer mixture to the pigment mixture allows radicals formed from the initiator to be absorbed to pigment surface and, when monomer mixture is added later, provides polymerization on the pigment surface rather than the formation of separated polymer particles, thereby resulting in a dispersion of the composite pigment polymer particles being stable as defined by said particles not flocculating for up to 20 minutes when a dispersion containing said particles is added to acetone at a 1% by weight concentration. The process of Lin and would not accomplish this, as clearly stated by Applicants and for the reasons clearly stated by the Applicants, and as reasonably supported by the experimental evidence provided by the Applicants.

Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 102(b).

Applicants have reviewed the prior art made of record and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable.

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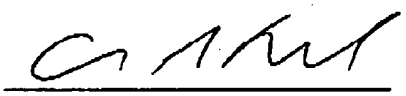
In view of the foregoing remarks and amendment, the claims are now deemed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



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